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7                   **UNITED STATES DISTRICT COURT**  
8                   **DISTRICT OF NEVADA**  
9

10 WARREN CHAN,

11                 Plaintiff,

Case No. 2:10-CV-01317-KJD-PAL

12 v.

**ORDER**

13 PAN WESTERN CORP., *et al.*,

14                 Defendants.

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16                 Before the Court is Plaintiff Warren Chan's Motion for Hearing (#42). No response has been  
17 filed.  
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**I. Discussion**

19                 Plaintiff filed hostile work environment, employment discrimination, retaliatory termination,  
20 and blacklisting claims against Defendants. Defendants answered the complaint and filed  
21 counterclaims. However, Defendants' counsel withdrew from the action and Defendants failed to  
22 retain new counsel. Magistrate Judge Leen entered a report and recommendation that default be  
23 entered unless new counsel was obtained by December 12, 2011. On December 13, 2011, the Court  
24 adopted Judge Leen's recommendation and entered default against all Defendants.

25                 Federal Rule of Civil Procedure 55(b) provides that the "court may conduct hearings or make  
26 referrals— preserving any federal statutory right to a jury trial – when, to enter or effectuate judgment,

1 it needs to: (A) conduct an accounting; (B) determine the amount of damages; (C) establish the truth  
2 of any allegation by evidence; or (D) investigate any other matter.” Fed.R.Civ.P. 55(b)(2)(A)-(D). If  
3 the damages sum is not certain or capable of easy computation, the court may hold whatever hearing  
4 or inquiry it deems necessary. See Beck v. Atl. Contracting Co., Inc., 157 F.R.D. 61, 64  
5 (D.Kan.1994). Courts are reluctant to award attorneys’ fees “without a hearing to determine the  
6 amount.” H.B. Hunt v. Inter-Globe Energy, Inc., 770 F.2d 145, 148 (10th Cir.1985).

7 Plaintiff has requested compensatory damages, punitive damages and attorneys’ fees and  
8 costs. The complaint does not contain a sum certain. Accordingly, the Court will hold a hearing to  
9 determine the amount of damages, attorneys fees, and costs pursuant to Fed. R. Civ. P. 55(b)

10 II. Conclusion

11 **IT IS HEREBY ORDERED THAT** Motion for Hearing (#42) is GRANTED.

12 **IT IS FURTHER ORDERED** the parties appear for a hearing on all issues relating to the  
13 matter of damages on Tuesday, May 8, 2012 at 9:00 A.M.

14 DATED this 5<sup>th</sup> day of April 2012.



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16 Kent J. Dawson  
17 United States District Judge  
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